

STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 784, THE PETRIFIED FOREST NATIONAL PARK EXPANSION ACT OF 2003.

SEPTEMBER 21, 2004

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 784, a bill to revise the boundary of Petrified Forest National Park in the State of Arizona. We thank Senators McCain and Kyl for their interest and support for including and protecting world-class paleontological and archeological resources as well as extensive petroglyph sites in Petrified Forest National Park. Congressman Renzi and the other members of the House delegation have introduced companion legislation, H.R. 1630.

The Department supports S. 784. On June 15, 2004, the Department also testified in support of H.R. 1630, which as introduced was identical to S. 784.

S. 784 would expand the boundary of Petrified Forest National Park and authorize the Secretary to acquire lands within the boundary expansion from a willing seller by purchase, donation, or exchange. Within two years of enactment, the Secretary would be directed to develop a plan for the acquisition of State land or interests in State lands. The bill also would direct the Secretary to transfer to the NPS, administrative jurisdiction over other federally owned lands within the boundary expansion and specifically would allow grazing to continue on lands where grazing presently exists. And finally, S. 784 would

require that the park's General Management Plan (GMP) be amended within three years after this bill is enacted to address the use and management of additional lands.

S. 784 does not include the number of acres, identify which acres are proposed for expansion, or cite a specific map reference. However, the NPS, in consultation with the BLM, has developed a map that was incorporated in H.R. 1630 at markup. We suggest that S. 784 be amended to reference the same map entitled "Proposed Boundary Adjustments, Petrified Forest National Park", numbered 110/80,044, and dated July 2004. This map would result in a total proposed expansion of approximately 128,000 acres.

Much of the proposed expansion landownership is best described as a checkerboard, which is common in western lands bordering railroad corridors. The 128,000 acres includes federally owned BLM-managed lands, privately owned lands, and lands owned by the State of Arizona.

Under the bill, approximately 14,500 acres of BLM-managed public land would be transferred to the National Park Service. Approximately 79,500 acres are privately owned. There are four major private landowners within this area and each has expressed interest in selling, exchanging, or donating their lands or interests. Because the proposed boundary expansion has been discussed for more than ten years, some of the landowners are losing interest while others are facing economic hardship and may be forced to sell to other interests if the expansion is not completed soon. Much of the private lands adjacent to the park have been managed as part of large cattle ranches for the past 120 years,

however, this historic use of the land that has preserved the scenic views seen from the park is starting to change. According to the park's 1993 GMP, new land uses occurring within the past 30 to 40 years include large-scale, mechanized petrified wood mining on private lands (with no reclamation efforts)—and subdivision of square-mile sections into 40-acre ranchettes. Pot hunting and vandalism continue regularly, and the costs for patrolling are beyond the ability of most private owners to manage.

The State of Arizona owns approximately 34,500 acres in the proposed expansion. In support of the bill, the State has closed these lands to surface and sub-surface applications, mineral location, and prospecting permit application. This closure was originally done on March 4, 1991 and was just renewed on May 26, 2004.

We should note that two issues exist concerning the state-owned lands authorized for acquisition. First, State law prohibits lands to be donated. Second, it is our understanding that the Arizona Supreme Court has determined that the Arizona Constitution prohibits the disposal of certain state land except through auction to the highest and best bidder. We are told there is an effort to amend this provision in the Arizona Constitution on the November ballot. Given these remaining issues, we would have to await a determination on how the citizens of Arizona and their representatives would recommend proceeding should S. 784 be enacted.

The average cost per acre in the proposed new boundary, based on appraisals completed by the Department of the Interior, is between \$105 and \$175. Recurring costs for the

management of the new lands would be approximately \$690,000, which includes planning, and compliance, resource inventory and monitoring, resource protection, and maintenance. We also expect to incur approximately \$625,000 in non-recurring costs for new fencing and the purchase and installation of site sensors to remotely monitor lands for illegal activities. Funding would be subject to NPS priorities and the availability of appropriations.

Petrified Forest National Park was established in 1906 and has been expanded several times to preserve and protect the Petrified Forest, its outstanding paleontological sites and specimens, its associated ecosystems and specimens, cultural and historic resources and scenic and wilderness values for present and future generations. The Petrified Forest is located in the stark and beautiful high desert environment of badlands, dry washes, and sagebrush of northeastern Arizona. Where 200 million years ago there were lush green forests, rich in vegetation and trees hundreds of feet high supporting a variety of life, and where dinosaurs once roamed, there are now vistas broken only by distant mesas and the remnants of that forest and life, preserved by forces of nature in the shape of petrified wood and delicate fossils. In this stark and remarkable place, the remains of the oldest known dinosaur on earth were discovered in 1985.

The park contains some of the best fossil records of late Triassic ecosystems in the world, and nowhere else can one find the combination of world-class paleontology and nationally significant archaeological sites that one finds here. For the past 150 years,

people have visited, researched and sometimes vandalized and looted these resources.

The creation of the park and subsequent expansions has diminished the threat.

However, historic research by institutions such as the American Museum of Natural History, The Smithsonian, and the University of California at Berkeley has shown that the areas outside the park contain an even richer record of Triassic fossils than the areas within the park. The proposed boundary expansion would bring into the protection of the park, the following resources:

- the Chinle Escarpment, which cuts across the park from East to West and includes resources that contain in their rock layers the story of the world's only know complete Triassic era ecosystem – a remarkably rich concentration of information about a world that vanished more than 200 million years ago;
- critical riparian habitat along the Puerco River, central to ancient human history of the region and important for the protection of plants and wildlife;
- the Rainbow Forest Badlands, significant because it contains fossil-bearing strata that is a continuation of that protected within the park;
- the Dead Wash Petroglyphs parcel, containing a wide variety of paleontological features, archeological resources and riparian habitat critical to the wildlife and water quality of the region;
- the Wallace Tank Ruins parcel, containing a large ruin that may have played an important role in the closing phases of the area's prehistoric settlement; and
- the West Rim of the Painted Desert parcel, significant for its substantial number of archeological sites including three ruins, an ancient petrified wood quarry and

a petroglyph site as well as several paleontological fossil beds adjacent to the Devils Playground bone site within the park.

These fossils are non-renewable, unique resources that face constant threat of destruction from erosion and theft, development pressures, and the attraction of commercial mining, particularly of petrified wood. Petrified Forest National Park has an established monitoring program within the park as one of many resource protection tools. The NPS would use that established monitoring program, as well as all law enforcement and resource protection tools in the expanded boundary. S. 784 would ensure long-term protection of the valuable paleontological, archeological, cultural, and natural resources of the Petrified Forest for generations to come.

In addition to including the acreage and map reference, we would suggest two other amendments. First, because of the checkerboard nature of the land ownership of the lands being considered under this bill, especially in the portion known as the East Chinle Escarpment, NPS is concerned about the ability to manage this area effectively. NPS would like to amend the bill to provide that the acquisition of the East Chinle parcel is authorized dependent upon a determination of the Secretary that either 1) federal lands elsewhere in the state of Arizona have been identified for exchange with the state lands or 2) that the state and the NPS have completed a Memorandum of Agreement that would allow the NPS to manage the state lands. Second, the bill should be amended to authorize the Department to acquire State land within the revised boundary of the Park by

donation. These amendments were also suggested in the hearing on H.R. 1630 and were adopted in the markup of that bill.

S. 784 would continue the long and respected tradition and commitment of the NPS to science, education, and protection of the special places in the country significant enough to be considered national parks. These lands and resources are the legacy of the American people and by protecting them we expand our knowledge and understanding of the history of the earth and how changes through time have affected it.

That concludes my remarks. Mr. Chairman, I would be happy to answer any questions you may have.